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UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE

In re:

MI PUEBLO SAN JOSE, INC.,

Debtor.

Case No: 13-53893-ASW

Chapter 11

Date: October 4, 2013
Time: 1:45 p.m.
Courtroom: Courtroom 3020
Judge: Hon. Arthur S. Weissbrodt

**NOTICE OF HEARING ON MOTION OF RIZO LOPEZ FOODS, INC.
FOR ALLOWANCE AND PAYMENT OF CHAPTER 11 ADMINISTRATIVE EXPENSE
CLAIMS UNDER BANKRUPTCY CODE §§503(b)(9) AND 507(a)(2)**

**RIZO LOPEZ FOODS, INC.'S NOTICE OF HEARING ON
MOTION FOR ALLOWANCE AND PAYMENT**

Case No. 13-53893- ASW

1 **TO: THE HONORABLE ARTHUR S. WEISSBRODT, MI PUEBLO SAN JOSE, INC., WELLS
2 FARGO BANK, N.A., AND ALL OTHER INTERESTED PARTIES AND THEIR COUNSEL OF
RECORD:**

3

4 **PLEASE TAKE NOTICE** that Rizo Lopez Foods, Inc. creditor in the above-styled case, is
5 requesting a hearing on **October 4, 2013**, under Bankruptcy Code sections 503(b)(9), and 507(a)(2), and
6 is seeking relief for an allowance of payments for Chapter 11 Administrative Expenses under
7 Bankruptcy Code § 503(b)(9) (the “Motion”). The complete Motion is available for inspection through
8 the electronic docket, at the Office of the Clerk at the U.S. Courthouse, 280 South First Street,
9 Room 3035, San Jose, California, 95113-3099, or by contacting the undersigned.

10 The Motion has been served electronically on Wells Fargo Bank (“WFB”); Rizo Lopez
11 Foods, Inc. requests that the Debtor also immediately deliver to WFB a “Claim Package,” as set forth in
12 Paragraph 6 of the “AMENDED Order (I) Granting Administrative Expense Status to Debtor’s
13 Undisputed Obligations to Vendors Arising from Post-Petition Delivery of Goods Ordered Pre-Petition
14 and Authorizing Debtor to Pay Such Obligations in the Ordinary Course of Business; (II) Authorizing
15 Payment for Goods Received Within Twenty Days of Filing and Establishing Administrative Claims
16 Bar Date for Section 503(b)(9) Claims; and (III) Establishing Procedures and to Allow Claims of
17 Perishable Agricultural Commodities Act and Packers and Stockyard Act Claimants” (the “Amended
18 Order”).

19 The Amended Order provides that WFB shall have three (3) business days after the date of
20 receipt of the Claim Package to review the documentation. If WFB objects to payment of Rizo Lopez
21 Foods, Inc.’s claim, the hearing on October 4, 2013 will provide sufficient notice pursuant to the
22 Amended Order, with a briefing schedule as set forth in Paragraph 6 of the Amended Order.

23 **YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS
24 CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN
25 THIS BANKRUPTCY CASE. If you do not have an attorney, you may wish to consult one.**

26 If you do not want the court to approve this Motion, or if you want the Court to consider your
27 views on the Motion, then on or before seven (7) days prior to the hearing, you or your attorney must:
28

1 a. File with the Court a written response, explaining your position, via ECF or at the Office
2 of the Clerk, at 280 South First Street, Room 3035, San Jose, California, 95113-3099. If you do not file
3 a written response, the court may remove the matter from the calendar and rule on the Motion before the
4 hearing. Simply appearing at the hearing is not sufficient to protect any rights you may have.

5 b. If you mail your response to the court for filing, you must mail it early enough so the
6 court will receive it on or before the date stated above.

7 c. You must also mail a copy to:

8 Robert S. McWhorter, Esq., Attorney for Rizo Lopez Foods, Inc.
9 Nossaman LLP
10 621 Capitol Mall, 25th Floor
11 Sacramento, CA 95814

12 and any other party who has filed a request for special notice in this case.

13 d. Attend the hearing scheduled on October 4, 2013 at 3:00 p.m. at the United States
14 Bankruptcy Court, 280 South First Street, Room 3020, San Jose, CA 95113-3099, before the Honorable
15 Arthur S. Weissbrodt, United States Bankruptcy Judge.

16 If you or your attorney do not take these steps, the court may decide that you do not oppose the
17 relief sought in the Motion and may enter an order granting the relief requested.

18 DATED: August 30, 2013

19 NOSSAMAN LLP

20 _____
21 /s/ Robert S. McWhorter
22 ROBERT S. MCWHORTER
23 Attorney for Movant
24 RIZO LOPEZ FOODS, INC.

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